

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

CARMINE J. FAZZI ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO: 03-58-B-W
	)	
DAVID CROOK, et al.,	)	
	)	
Defendants.	)	

**ORDER AFFIRMING THE  
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

No objections having been filed to the Magistrate Judge's Recommended Decision filed October 23, 2003, the Recommended Decision is accepted.

Accordingly, it is hereby ORDERED that the Defendants' two unopposed Motions to Dismiss be and hereby are DISMISSED.

It is further ORDERED that the Complaint as to the Augusta Police Department is hereby DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as the Complaint fails to state a claim against it.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
United States District Judge

Dated: November 18, 2003

**Plaintiff**

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**CARMINE J FAZZI**

represented by **CARMINE J FAZZI**  
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P.O. BOX 260

SOUTH WINDHAM, ME 04082  
PRO SE

V.

**Defendant**

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**DAVID CROOK**

represented by **MELISSA REYNOLDS O'DEA**  
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**EVERT FOWLE**

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**KENNEBEC COUNTY  
SHERIFF'S DEPARTMENT**

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**MAINE DEPARTMENT OF  
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**AUGUSTA POLICE DEPT**

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